

DIVORCE

****Read through these instructions fully. You will not need every form listed in the divorce section. These instructions will guide you to the appropriate forms.**

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| <p><u>Step 1</u></p> <p>Starting your action</p> <p>Completing and filing the forms with the court</p> | <p>Complete the following forms that are in the packet:</p> <ul style="list-style-type: none"> • Domestic Relations Information Sheet • Petition for Dissolution of Marriage (Petitioner must sign this form in front of a Notary Public) • Summons <p>Prepare your forms for filing: Make two (2) sets of copies of the Petition and Summons. Sort each document according to title (as listed above on step 1), placing the original on top of its copies and paper clip them together. For example: Place the original Petition on top of its stapled copies and then paper clip them together. NOTE: The Domestic Relations Clerk can make copies for a cost of \$.35 cents per page.</p> <p>Submit your originals, copies and filing fee of \$137.00 to the Domestic Relations Clerks Office, Room 240, Second Floor, between 8:00 a.m. to 5:00 p.m. located at the Second Judicial District Court, 400 Lomas, NW, Albuquerque, NM 87102. NOTE: Payment methods for filing fee include cash, money order, or cashier's check. Personal checks or credit cards are not accepted!</p> <p>When you file your documents, the clerk will randomly assign your case a judge and a case number. The originals will be stamped and copies endorsed. In addition you may be given a Temporary Domestic Order which is directed to both parties. The clerk will issue the Summons for preparation of Service of Process (notifying the other party of this legal process).</p> |
| <p><u>STEP 2</u></p> <p>Service on the respondent</p> <p>Read the Service of Process Information Sheet</p> | <p>Preparing for Service of Process: per NMRA 4A-100 (J)(1)(2) Domestic Relations Forms;</p> <p><i>J. Serving the summons packet.</i></p> <p><i>(1) After a divorce petition and summons and TDO are filed with the court, copies of all papers must be served on the person named as the respondent in the divorce petition (this is known as service of process). Attach the divorce petition and temporary domestic order to a copy of the original summons to assemble a summons packet (see Service Information Sheet for additional information).</i></p> <p><i>(2) The summons packet may be served by hand-delivery to your spouse by a person who is over the age of eighteen (18) and is not a party to the divorce proceeding. The petitioner cannot be the person who serves the respondent. Have someone deliver the summons packet to the respondent as required by Paragraph F of Rule 1-004 NMRA. It is the sole responsibility of the petitioner to have the summons packet served on the respondent (your spouse) and to provide proof that the service was completed. The court is not responsible for serving documents on any party.</i></p> |
| <p><u>STEP 3</u></p> | <p>The Respondent has 30 days to respond to the petition after service.</p> <p>Has Respondent filed a response? If yes, proceed with <u>STEP 4.</u></p> <p>If no, proceed with to Step 5 (Default). If yes, proceed to <u>STEP 5</u></p> |
| <p><u>STEP 4</u></p> <p>Finalizing your case</p> | <p>Following, you have several options. You can:</p> <p>A) Prior to the issuance of a final decree, you may request assistance on a temporary basis. You</p> |

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| | <p>may file a motion for award of a temporary order for custody, timesharing, child support, or a temporary allocation of community resources, etc. To complete this step, see the temporary motions in this packet.</p> <p>or</p> <p>B) You may file a Motion for Referral to Mediation (Child Custody, Timesharing, or Visitation) <i>OR</i> a Motion for Referral to Mediation (Child Support or Other Financial Issues). This may be used when you believe that the other party is willing to reach an agreement with the assistance of a mediator. This may or may not involve fees that can be divided by the parties. To complete this step, see the temporary motions in this packet.</p> <p>or</p> <p>C) When both parties are in agreement to all the issues and are willing to sign the agreement in front of a Notary Public (the Judge assigned to your case may approve/sign your divorce with no hearing necessary). To complete this step, please return to the Second Judicial District Court, Center for Self Help and Dispute Resolution for proper forms and further instruction. (Marital Settlement Agreement, Final Decree and any additional forms required such as the Child Custody Plan and Child Support Obligation in cases involving children)</p> <p>or</p> <p>D) You do not agree. The only way to resolve the case is to let the judge decide. You must file a request for hearing/notice of hearing form and request a Hearing on the Merits. Submit addressed, stamped envelopes for each party along with your request for hearing. The hearing will be scheduled several months following your request. The Court will set one or more hearings to resolve remaining disagreements. You must complete your Marital Settlement Agreement (Custody Plan and Child Support Obligation if there are children involved) and Final Decree of Dissolution of Marriage and bring them with you to the hearing. To complete this step, complete the Request for Hearing/Notice of Hearing included within this packet.</p> <p>***Note: When filing a motion, review the <i>Procedure for Filing a Motion and Request for Hearing</i>. To obtain proper forms and procedure please return to the Second Judicial District Court, Center for Self Help and Dispute Resolution.</p> |
| <p><u>STEP 5</u></p> <p>Default</p> | <p>Respondent failed to file a response with the court:</p> <p>YOU MAY FILE A:</p> <p>DEFAULT: Asking the court to grant all of what you have asked for in your petition because the opposing party failed to respond and it has been more than 30 days since he/she has been served.</p> <p>OR:</p> <p>MOTION: You may choose to file a Motion to address issues that may not be resolved by obtaining a default judgment. The Court will set one or more hearings to resolve remaining disagreements. You must complete your Marital Settlement Agreement (Custody Plan and Child Support Obligation if there are children involved) and Final Decree of Dissolution of Marriage and bring them with you to the hearing.</p> <p>*** To complete this step, please return to the Second Judicial District Court Center for Self Help and Dispute Resolution for proper forms and further instruction or refer to the website.</p> |

4A-200. Domestic relations forms; instructions for stage two (2) forms.

A. **Temporary orders.** After your petition for dissolution of marriage has been filed but before the court issues a final decree, you may request assistance on a temporary basis using Form 4A-202 NMRA. The court may provide such assistance by issuing one of the following temporary orders:

(1) **Temporary domestic order.** See Subparagraph (17) of Paragraph D and Subparagraph (4) of Paragraph E of Form 4A-100 NMRA for an explanation of when to request a temporary domestic order from the court. For the temporary domestic order, see Form 4A-201 NMRA;

(2) **Temporary division of property.** You should request this relief when you need assistance from the court with access to property such as a home (e.g., a house, apartment, etc.) or a vehicle;

(3) **Temporary division of income and debts.** You should request this relief when you and your spouse cannot agree about how bills will be paid, or you are having trouble paying the bills with only your income. This relief will include child support if you and your spouse have minor children together;

(4) **Temporary custody of minor children.** You should request this relief when you and your spouse cannot agree on where the children should live and which parent should have the authority to make important decisions about the children. For more information about child custody, see Section 40-4-9.1 NMSA 1978;

(5) **Temporary order establishing timesharing and a visitation schedule.** You should request this relief when you and your spouse cannot agree on a schedule of how much time each parent will spend with the child and when the child will be with each parent;

(6) **Temporary child support and request for wage withholding.** If you have not already requested a temporary division of property and debts as provided in Subparagraph 3 of Paragraph A of this rule, you should request this relief when you and your spouse cannot agree on the amount of money that your spouse should pay you to help support the children. If the court grants a temporary child support order, the child support payment will be taken from your spouse's paycheck pursuant to a wage withholding order, unless there is good cause not to do so. For more information about a wage withholding order, see Sub-subparagraph (b) of Subparagraph (2) of Paragraph D of Form 4A-300 NMRA. For the wage withholding order, see Form 4A-304 NMRA; and

(7) **Temporary allocation of community resources to permit both parties to hire an attorney.** You should request this relief when you need money to hire an attorney and there is money or credit available from either or both of the parties.

B. **Motion to modify temporary order.** You should file this motion (Form 4A-203 NMRA) if you have a temporary order and you want to change it. In your motion, you must state specific reasons why the temporary order should be changed.

C. **Motion for referral to mediation (child custody, timesharing, or visitation).** You should file this motion (Form 4A-204 NMRA) when you believe that there is a reasonable likelihood that you and your spouse will be able to reach an agreement about child custody or visitation with the assistance of a mediator. Requesting a referral for mediation on child custody does not require the issue of child support to be resolved at the same time. In order to mediate child support, the parties must have exchanged all documentation required by Rule 1-123 NMRA, as provided by Paragraph D of this rule.

D. **Motion for referral to mediation (child support or other financial issues).** You should file this motion (Form 4A-205 NMRA) only if

(1) you and your spouse have exchanged all documentation required by Rule 1-123 NMRA (see the appendix to this Rule for more information);

(2) you believe that there is a reasonable likelihood that you and your spouse can reach a final agreement on some or all of the matters in your divorce other than child custody or visitation, such as child support, division of income and debt, or division of a retirement account. See Form 4A-202 (Motion for temporary order) for other matters that may be mediated; and

(3) the judicial district that you are filing in has a mediation program for this purpose, or you and your spouse have funds available to pay for a private mediator.

E. General instructions for filing motions.

(1) Either party may file a motion seeking help from the court. When you file a motion, it must be filed with the Court Clerk's Office. You must fill out and bring a Request for Hearing (Form 4A-206 NMRA) to the court to be filed at the same time as your motion. You must also bring an original, completed Notice of Hearing (Form 4A-207 NMRA) with self-addressed stamped envelopes for you and your spouse. The court will send you and your spouse a Notice of Hearing that will include your assigned hearing date and time in the self-addressed stamped envelopes you provided. **WARNING:** Generally, this rule must be followed when filing a motion; however, many courts have special rules when the parties need a hearing. You should inquire at the Court Clerk's Office to determine if special rules apply when you request a hearing.

(2) If the motion relates to money (see Subparagraphs (1), (2), (3), (6) and (7) of Paragraph A, above), you must take the steps required by Rule 1-123 NMRA and file a Notice of Compliance with Rule 1-123 (Form 4A-208 NMRA), with the Court Clerk's Office. For further information on Rule 1-123, please refer to the appendix to this rule.

(3) There may be other motions that you want to file. You should follow these general instructions with all motions. Any response to a motion should be served on the other party as set forth in Paragraph J of Form 4A-100 NMRA.

(4) **WARNING:** Your motion cannot be heard by the court unless you have properly served a copy on the other party. All forms include a certificate of service.

F. Special instructions; verified motion for order to show cause. You should file a verified motion for order to show cause (Form 4A-209 NMRA) when you want to tell the court that the other person is not following an **existing court order** and to ask the court for help. You should be very specific when completing the motion; tell the court what the court order says and what the other person is doing or not doing that is violating the order. State only serious violations and be as complete as possible. Together with the Verified Motion for an Order To Show Cause, you must submit a proposed Order To Appear and Show Cause (Form 4A-210 NMRA) at the same time.

Take the original signed motion and at least two copies to the court for filing. The clerk will file the original motion and give you at least one endorsed copy back for your records. You will also submit the Order To Appear and Show Cause to the clerk after the Verified Motion for Order To Show Cause is filed.

You will later receive a copy of an Order To Appear and Show Cause sent to you from the court, or it may be available to be picked up from the court. This will contain the date, time, and place of your hearing. You should ask the clerk when you file your motion if the papers will be mailed to you or if you will need to pick them up from the court.

WARNING: You are responsible for serving a copy of the Verified Motion for Order To Show Cause and the Order To Appear and Show Cause on the other party at least five (5) days prior to the hearing. Refer to Paragraph J of Rule 4A-100 NMRA for instructions about service of process. The court may not be able to help you if you cannot get the papers personally served on the other party. After the motion and order to show cause are served on the other party, the person who served these documents must fill out an affidavit of service. Keep at least one copy of the original affidavit of service. You must file the original affidavit of service with the court.

You must appear at any hearing that you request. Be prepared to show the court how the other party is not following the court order by bringing all evidence with you, such as papers, pictures, or witnesses.

G. Hearings. You will receive a notice of hearing from the court mailed to you in the self-addressed stamped envelope that you or your spouse provided to the court when filing the motion. See the appendix to this rule for instructions about how to prepare for the hearing. If a person whom you need to be your witness does not want to go to court, you will need to go to the court to request a subpoena. If a subpoena is issued by the court, the person will be ordered to appear at the court at the date, time, and place of your hearing. You are responsible for getting the subpoena served on the witness and for filing the return of service with the Clerk of the Court. For further information about subpoenas, see Rule 1-045 NMRA.

H. Hearing officers. From time to time, the judge may appoint a hearing officer to preside over your hearing. The hearing officer is required to prepare a Hearing Officer Report within thirty (30) days after your hearing, which contains findings of fact and recommendations to the judge on how the court should rule. The court will mail each party a copy of the Hearing Officer Report and a Notice of Filing. If you do not agree with

the hearing officer's recommendations, you must complete and file written objections within ten (10) days after service of the recommendations using Form 4A-211 NMRA. You must send a copy of the written objections to your spouse. If no written objections are received by the district court, then the recommendations of the hearing officer may be adopted by the court without further notice to you. If the court receives written objections to the recommendations, the court will decide whether to set a hearing or to enter its own order. The court will notify you of the action that it has taken. For further information about hearing officers in domestic relations actions, see Rule 1-053.2 NMRA.

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013.]

4A-300. Domestic relations forms; instructions for stage three (3) forms.

A. **Stage three (3) forms; scope.** The stage three (3) forms are the last forms that you must complete to dissolve your marriage (i.e., get a “divorce”). Once approved by the Court, the agreements and promises that you have made in these forms will settle financial matters between you and your spouse, and will control your rights as a parent. When both parties sign the Marital Settlement Agreement (Form 4A-301 NMRA), the Custody Plan (Form 4A-302 NMRA), and the Child Support Obligation (Form 4A-303 NMRA), they may be enforced by either party as contracts. When the Court signs a Final Decree of Dissolution of Marriage (Form 4A-305 NMRA), you will be divorced, and the Marital Settlement Agreement, the Custody Plan, and the Child Support Obligation will become legally binding on both of you. Any important changes to these agreements should be in writing and signed by both parties. These changes should be filed with the Court. You should be careful when filling out these forms, and be as complete as possible. It is highly recommended that you consult with an attorney.

B. **Marital Settlement Agreement.** A Marital Settlement Agreement (“MSA”) must be completed, signed by both parties, and filed with the Court in every dissolution of marriage case. (Use Form 4A-301 NMRA.) Although the MSA is called an “Agreement,” if the parties do not agree on its terms, the Court may use the terms of either party’s proposed MSA in its final order after a hearing. The MSA describes how you and your spouse will divide your property and debts, and how you will settle any other financial matters, including whether one party will pay spousal support or make a cash payment to the other. When the Court signs and files a Final Decree of Dissolution of Marriage, the MSA will become legally binding on both parties. See Paragraph A, above.

If you and your spouse cannot agree on some or all of the terms of the MSA, you may request the assistance of a mediator, if available, by completing and filing a Motion for Referral to Mediation (child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The MSA includes the following sections:

(1) ***Property we are dividing.*** This is where you describe how you will divide your property, including personal property, real property, bank and investment accounts, retirement plans, vehicles, and any other property. Examples of each type of property are included on the form. Complete the Personal Property List (Attachment A) to identify any personal property that you own that is valuable to you and to show how you will divide it. If you have real property other than the home that you lived in while you were married, complete the Real Property List (Attachment B) to identify the property and to show how you will divide it;

(2) ***Debts we are dividing.*** This is where you describe how you will divide your debts (e.g., credit cards, loans, etc.), cancel joint credit cards, file your taxes, and handle any issues that may come up with tax returns that were filed while you were married. Complete the Debt List (Attachment C) to identify each of your debts and to show how you will divide them;

(3) ***Cash payment.*** This is where you show any dollar amount that you have agreed one party should pay the other to settle the division of your property and debts. This amount will be included in the Final Decree of Dissolution of Marriage as a judgment in favor of the party who is to receive the cash payment. This judgment may be enforced as provided by law;

(4) ***Spousal support.*** This is where you show any dollar amount that you have agreed one party should pay the other as monthly spousal support. *If* the Court approves this section, the amount and timing of spousal support can be modified only by a court order. For more information on spousal support, see Section 40-4-7 NMSA 1978;

(5) ***Other statements by parties.*** This is where you promise to do what is necessary to carry out your agreements in the MSA and promise how you will resolve any arguments that you may have about the MSA in the future; and

(6) ***Verification.*** This is where you affirm the truth of the statements in the MSA and sign it. You must sign the MSA in the presence of a notary.

C. **Custody plan.** A Custody Plan must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of nineteen (19) and attending high school. (Use Form 4A-302 NMRA.) This document describes decisions that have been made, and how decisions will be made in the future, about which parent the children will live with. When the Court signs and files a Final Decree of Dissolution of Marriage, the Custody Plan will become legally binding on both parties. See Paragraph A, above.

If you and your spouse cannot agree on the terms of a Custody Plan, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation (child custody, timesharing, or visitation) (Form 4A-204 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA. Some courts will not set a hearing on custody matters until the parties have tried mediation but failed to reach an agreement. Check with the Court before you request a hearing to find out if mediation is required.

The Custody Plan includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Custody of the children.** This is where you describe the agreement you have reached about how you will make decisions and who will have custody of your children. If you choose sole legal custody, you must provide the specific reason why sole legal custody is in the best interests of the children. Also describe how often, when, and where the non-custodial parent will be allowed to visit the children, if at all. If you choose joint legal custody, you must complete the parenting plan in Subparagraphs one (1) through five (5) of Paragraph B to describe how you will share the custody of your children; and

(3) **Verification.** This is where you affirm the truth of the statements in the Custody Plan and sign it. You must sign the Custody Plan in the presence of a notary.

D. **Child support obligation.** A Child Support Obligation must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of nineteen (19) and attending high school. (Use Form 4A-303 NMRA.) This document describes how you will divide the expenses of raising the children, including child support and health insurance, and tax issues relating to the children. When the Court signs and files a Final Decree of Dissolution of Marriage, the Child Support Obligation will become legally binding on both parties. See Paragraph A, above.

If you and your spouse cannot agree on the terms of the Child Support Obligation, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation (child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The Child Support Obligation includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Child support.** This is where you describe how you will share the expenses of raising your children. This portion of the form refers to these additional documents:

(a) **Child support worksheet.** To complete Paragraph A of this section, you must complete and attach a child support worksheet to your Child Support Obligation. The worksheet will help you figure out the amount of child support that is required by law. The worksheet is available at Section 40-4-11.1 NMSA 1978, or you can find an interactive version at www.nmcourts.com by clicking on the "Family Law Forms" link and selecting "Child Support Worksheet." The interactive worksheet will automatically calculate the monthly child support obligation. The amount shown on the child support worksheet will be awarded by the Court. If the parties need to deviate from the amount shown on the child support worksheet, they must request a different amount, explain why that amount is necessary, and the deviation must be approved by the Court; and

(b) **Wage withholding order.** Under Paragraph D of this section, you must tell the

Court how you will begin wage withholding for child support. Payment of child support by wage withholding is mandatory unless otherwise agreed by the parties or ordered by the Court. Wage withholding will not take effect until the parties complete a Wage Withholding Order (Form 4A-304 NMRA) and submit it to the Court for filing, or until the Court signs and files the Child Support Obligation and the parties open a case with the New Mexico Human Services Department, Child Support Enforcement Division ("CSED"). CSED can issue a notice of wage withholding for the parties on full service cases. You may request the Court to order wage withholding by attaching a completed Wage Withholding Order to the Child Support Obligation; and

(3) **Verification.** This is where you affirm the truth of the statements in the Child Support Obligation and sign it. You must sign the Child Support Obligation in the presence of a notary.

E. **Final decree of dissolution of marriage.** When the Court signs and files a Final Decree of Dissolution of Marriage, you and your spouse will be divorced. You may request a Final Decree of Dissolution of Marriage as follows:

(1) **Uncontested.** If you and your spouse agree on the terms of your MSA (and Custody Plan and Child Support Obligation, if you have children), you may request a Final Decree of Dissolution by

(a) filing your completed MSA (and completed Custody Plan and Child Support Obligation, if you have children) with the Court Clerk's Office; and

(b) submitting a completed Final Decree of Dissolution of Marriage (Form 4A-305 NMRA) to the judge for approval. Both parties must sign the final decree in the presence of a notary before submitting it to the judge for approval.

The Court may sign the Final Decree of Dissolution of Marriage without further notice, or it may order you and your spouse to appear for a hearing. **WARNING:** Once the Court signs and files the Final Decree of Dissolution of Marriage, your divorce will be final, and the terms of the MSA (and the Custody Plan and Child Support Obligation) will be binding on both parties. See Paragraph A, above;

(2) **Contested.** If you and your spouse do not agree on the terms of your MSA (and Custody Plan and Child Support Obligation, if you have children) and you cannot submit completed forms to the Court, you should request a trial in your case by submitting a Request for Hearing (Form 4A-206 NMRA). For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The Court will set one or more hearings to resolve the remaining disagreements over the terms of the MSA (and the Custody Plan and Child Support Obligation, if you have children). *You must complete your own MSA (and Custody Plan and Child Support Obligation) and Final Decree of Dissolution of Marriage and bring them with you to the hearing.* Once the Court has decided the terms of the MSA (and the Custody Plan and Child Support Obligation), it will sign and file a Final Decree of Dissolution of Marriage, and you will be divorced from your spouse; or

(3) **Default.** If more than thirty (30) days have passed since you filed and served the Petition for Dissolution of Marriage and your spouse has not filed an answer or otherwise responded to your petition, you may be able to request a Final Decree of Dissolution of Marriage without your spouse's participation. This is called a default judgment. See Form 4A-310 NMRA for instructions on how to request a default judgment and Final Decree of Dissolution of Marriage.

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013.]

SERVICE OF PROCESS
(GIVING THE OTHER PARTY LEGAL NOTICE)

ASSEMBLING A SUMMONS PACKET

Means putting together the following:

- a. copy of the original Summons
- b. copy of the Petition for Dissolution of Marriage
- c. copy of the Temporary Domestic Order and a blank copy of the Domestic Relations Information Sheet

ARRANGING FOR SERVICE

Means method of service that you will use to notify the other party:

PERSONAL SERVICE BY USING ONE OF THESE:

- a. SHERIFF/LAW ENFORCEMENT (must be from the County where Respondent lives in)
- b. PROCESS SERVER (may see yellow pages, internet and/or Self Help Center for a list of these)
- c. PERSON OVER 18 YRS. OF AGE WHO IS NOT A PARTY TO THE CASE

OR

MAIL

It must be mailed to a good address by using a mailing method where Respondent will sign for receiving the Summons Packet and you having proof to present to the court. Example: Certified Mail with Return Receipt.

OR

NEWSPAPER

Publishing a Legal Notice in a Newspaper: This method of service is used when you have made all of the attempts possible to locate the Respondent and whereabouts are unknown. Before publishing you must ask the Court for permission to do this (you may return to the Center for Self Help and Dispute Resolution for proper forms and procedural information).

FILING PROOF OF SERVICE

Means proving to the court that the other party was given notice of the legal proceeding properly!

To do this you must file either the original Summons and completed Return of Service that was issued by the Clerk (second page of the Summons), Affidavit of Service (mail) and/or Affidavit of Publication. What you submit will depend on the method of service that you used to serve the other party. You must file in the Domestic Relations Clerks Office, Room 240, 2nd floor of the Second Judicial District Court. **NOTE: IF PERSONAL SERVICE WAS AN OPTION, THE SHERIFF, PROCESS SERVER OR PERSON WHO SERVED RESPONDENT, MUST SIGN RETURN OF SERVICE IN FRONT OF A NOTARY PUBLIC, WITH THE EXCEPTION OF LAW ENFORCEMENT.**


NOTE: You must always follow the Rules of Civil Procedure. Service of Process is a requirement that must be completed in order to move forward with finalizing your case. For additional information governing Service of Process you can refer back to NMRA, Rule 1-004 and/or visit the Second Judicial District Court, Center for Self Help and Dispute Resolution, in room 119, 1st floor, for proper forms and further instruction.

PROCEDURE FOR FILING A MOTION AND REQUEST FOR HEARING

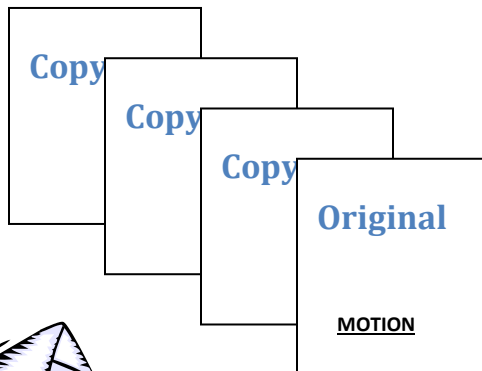
1. Complete the following forms:


- ✓ Motion
- ✓ Rule 1-099, NMRA Certificate (only used if you do not have to pay the filing fee)
- ✓ Request For Hearing
- ✓ Notice of Hearing

2. Prepare for filing by doing the following:

- ✓  Make three (3) copies of each form you filled out (as listed in step # 1) and place the original on top of its copies for each form.

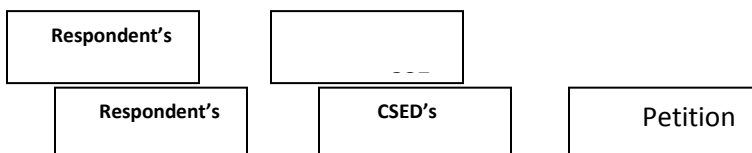
Example:



- ✓  Prepare stamped and addressed envelopes to each opposing counsel/party and one to yourself.

Example:

- ✓ Two (2) envelopes to the other party or their attorney if represented
- ✓ Two (2) envelopes to Child Support Enforcement Division (CSED) if they are involved in the case.
- ✓ One enveloped addressed to you.



NOTE: You will be required to pay the filing fee if your case is closed and you do not meet the requirements listed in the NMRA Certificate or are not eligible for free process. You can pay by cash, money order or a cashier's check in the amount of \$137.00 paid out to District Court Clerk. No personal checks.

3. **File originals**, copies and attach one envelope for each party, with your filing fee or NMRA Certificate, **in the Domestic Relations Clerks Office** of the Second Judicial District Court located at 400 Lomas NW, **Room 240, 2nd floor, between the hours of 8:00 a.m. – 5:00 p.m..**
4. The Clerk will file your originals and endorse stamp your copies with the date and time of filing. The clerk will return your copies so that you can mail out a copy to each opposing party/counsel in one of the envelopes you prepared. You should keep a filed copy for your records.
5. The clerk will also forward a copy and the original Notice of Hearing to the assigned Judge's Office for review and scheduling of the hearing.
6. The assigned Judge or Hearing Officer's office will mail opposing party/counsel and you a copy of the Notice of Hearing in the stamped and addressed envelopes you provided to the court. This will tell you when, where and what time to appear for the hearing on your Motion.